

Subchapter I – General Provisions

Definitions:

“Total maximum daily load” means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still insure attainment of the applicable water quality standard. There are 4 components to the total maximum daily load: point source allocation, non-point source allocation, reserve capacity and margin of safety.

“Impaired water” means a waterbody impaired in whole or in part and listed by the department pursuant to 33 USC 1313 (d) (1) (A) and 40 CFR 130.7, for not meeting a water quality standard, including a water quality standard for a specific substance or the waterbody’s designated use.

NR 151.005 Alternative Performance Standards for Impaired Waters. For impaired waters the implementation of statewide performance standards and prohibitions in this chapter may not be sufficient to meet water quality standards. If a federal environmental protection agency approved TMDL determines through monitoring or modeling that water quality standards will not be attained using statewide performance standards and prohibitions, the department shall identify in the TMDL enhancements to the alternative performance standards and prohibitions in this chapter necessary to meet the allocations specified in the TMDL.

Subchapter II – Agricultural Performance Standards and Prohibitions

NR 151.02 Sheet, rill and wind erosion. (1) Agricultural land use where crops or feed are grown, including pastures, shall be managed to achieve a soil erosion rate equal to, or less than, the “tolerable” (T) rate established for that soil.

(2) Pursuant NR 151.005, agricultural land use in watersheds with an approved TMDL shall be managed to achieve soil loss rates specified in the approved TMDL.

NR 151.04 Phosphorus Index Performance Standard. (3) Pursuant NR 151.005, agricultural land use in watersheds with an approved TMDL shall be managed to achieve a P Index specified in the approved TMDL. For a TDML, the accounting period shall begin the year following the federal environmental protection agency approval of the TMDL.

Subchapter III - Non-Agricultural Performance Standards

NR 151.11 Construction site performance standard

(6) REQUIREMENTS. The plan required under sub. (5) shall include the following:

(a) Best management practices that, by design, discharge no more than 5 tons/acre/year of the sediment load carried in runoff, from initial grading to final stabilization to the maximum extent practicable. No person shall be required to meet less than the 5 tons/acre/year sediment reduction performance standard unless specified under an approved TMDL pursuant to section 151.005.

NR 151.12 Post-construction performance standard

(5) REQUIREMENTS. The plan required under sub. (4) shall include:

a) *Total suspended solids*. Best management practices shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:

1. For new development, in-fill development of 5 acres or more and new transportation facilities, by design, reduce the total suspended solids load by 80%, based on an average annual rainfall, as compared to no runoff management controls, to the maximum extent practicable. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this subdivision unless specified under an approved TMDL pursuant to section 151.005.

NOTE: For redevelopment sites and in-fill development less than 5 acres, the reference to “an approved TMDL pursuant to section 151.005” is similar to the language in 1. (above).